

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BERKELEY UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014090112

ORDER DENYING REQUEST TO FILE  
AMENDED COMPLAINT

On August 29, 2014, Student filed a Due Process Hearing Request (complaint), naming the Berkeley Unified School District. On June 1, 2015, Student filed a request to dismiss the matter with prejudice on the grounds that the parties had reached a final settlement agreement. On June 17, 2015, the Office of Administrative Hearings dismissed the matter and closed the case. On October 20, 2015, Student filed a request to file an amended complaint.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)

Here, Student dismissed the action with prejudice and OAH closed the case. The dismissal by Student was not in error such that reopening the case and resetting the dates would be warranted. Student's dismissal of the matter removed it from OAH's jurisdiction on June 17, 2015. Accordingly, the request to file an amended complaint is denied.

IT IS SO ORDERED.

DATE: October 21, 2015

/s/

BOB N. VARMA  
Division Presiding Administrative Law Judge  
Office of Administrative Hearings